

Department of Community Planning and Economic Development – Planning Division

Rezoning, Conditional Use Permit and Site Plan Review

BZZ-5502

Registered Land Survey

RLS-65

Date: August 27, 2012

Applicant: Hennepin County, 300 South 6th Street, Minneapolis, MN 55415

Address of Property: 417 5th Street North (528 7th Street North)

Project Name: The Interchange

Contact Person and Phone: Chuck Ballentine, 200 Grain Exchange Building, 400 S. 4th Street, Minneapolis, MN 55415, (612) 543-7274

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: July 24, 2012

End of 60-Day Decision Period: September 22, 2012

End of 120-Day Decision Period: On August 17, 2012, Staff sent a letter to the applicant extending the decision period to no later than November 21, 2012.

Ward: 5

Neighborhood Organization: North Loop Neighborhood Association

Existing Zoning: I3 (General Industrial) District and DP (Downtown Parking) Overlay District

Proposed Zoning: B4N (Downtown Neighborhood) District and DP (Downtown Parking) Overlay District

Zoning Plate Number: 13

Lot area: 252,663 square feet or approximately 5.8 acres

Legal Description: See attachment.

Proposed Use: A new multi-modal transportation hub.

Concurrent Review:

- Petition to rezone the subject property from the I3 (General Industrial) District to the B4N (Downtown Neighborhood) District. The DP (Downtown Parking) Overlay District will be maintained;
- Conditional Use Permit for a Principal Parking Facility containing approximately 300 parking spaces;
- Site Plan Review to allow for the construction of components within a new multi-modal transportation hub. The principal elements of the project include: a large outdoor multi-level publicly accessible open space area with an amphitheater, a new office building for the Hennepin Energy Recovery Center facility, an approximately 300 space principal parking facility, a bus

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drop-off area, new core/shell spaces for future retail/restaurant uses, public restrooms, a transit police office and bike bar, all adjacent to a new elevated Light Rail Transit (LRT) line with a platform.

- Registered Land Survey.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Chapter 525, Article VII Conditional Use Permits, Chapter 530 Site Plan Review and Chapter 598 Land Subdivision Regulations.

Background: The applicant, Hennepin County, proposes to construct a new multi-modal transportation hub on the property located at 417 5th Street North (528 7th Street North). The hub would include several elements including a large outdoor multi-level publicly accessible open space area with an amphitheater, a new 30,400 square foot office building for the Hennepin Energy Recovery Center (HERC) facility, an approximately 120,960 square foot, 300 space principal parking facility, a bus drop-off area with enclosure, new core/shell spaces totaling approximately 12,350 square feet for future retail/restaurant uses, public restrooms, a transit police office and bike bar, all adjacent to a new elevated Light Rail Transit (LRT) line with a platform. The proposal would also result in the realignment of the intersection at 5th Street North and 6th Avenue North. The property located at the corner would be available for future development following construction of the Interchange.

The property is currently zoned I3 (General Industrial) District and is located in the DP (Downtown Parking) Overlay District. The applicant proposes to rezone the property to the B4N (Downtown Neighborhood) District and maintain the DP (Downtown Parking) Overlay District. The principal parking facility proposed as part of the development requires a Conditional Use Permit. All other proposed uses are permitted or exempt from local land use review. Site Plan Review is also required. The applicant further proposes to subdivide the property through the Registered Land Survey (RLS) process. The RLS essentially establishes various tracts and separates the Interchange site from the HERC facility. The City Attorney's office and Public Works have reviewed the preliminary and final RLS and have deemed it acceptable.

The Interchange project site is identified as one of two multi-modal transportation hubs in the Minnesota Department of Transportation's State Rail Plan and the Metropolitan Council's 2030 Transportation Policy Plan. An Environmental Assessment (EA) was completed for the project in March of 2012, with a Finding of No Significant Impact (FONSI) issued by the Federal Transit Administration. The Interchange project to date has had extensive community involvement. Throughout the EA process, community meetings were held with the North Loop Neighborhood Association and 2020 Partners along with open houses to present design alternatives that led to the preferred alternative. Since 2010, more than 70 project presentations have been given to the community and to professional groups. Further, the Interchange Working Group was created to guide the development and design of the project. The group members include Hennepin County Commissioners, a representative and senator from the Minnesota State Legislature, Minneapolis City Council members, City Staff, and representatives from the Minnesota Department of Transportation, Metropolitan Council/Metro Transit and the Minnesota Ballpark Authority.

In January of 2012, project stakeholders developed the Interchange Urban Design Guidelines to: (1) Ensure that the site is designed in a manner consistent with the community vision; (2) provide for successful public open spaces – fully activated community places; and (3) establish the look and feel of the project as it fits into the surrounding neighborhoods. During the design process, the decision was made to concur with the preferred alternative outlined in the EA to move the LRT track back from the

edge of 5th Street North and create an elevated station and platform on the Interchange site. This design accommodates development at the street level as a component of the project which is desired by both the City of Minneapolis and Hennepin County.

The outdoor public spaces proposed as part of the Interchange project include: (1) *The Cascade*, a flexible public space providing circulation space combined with informal seating areas and an amphitheater space; (2) *The Row*, includes the streetscape along 5th Street North which would be landscaped with both canopy street trees and rain gardens to visually enhance the public realm and pedestrian experience; (3) *The Great Lawn*, a flexible green space that would be used for large pre-game events, community gatherings as well as individual use; (4) *The Grove*, serves as the transition from the transit component and defines the civic edge of the upper plaza by creating space for pedestrian access and queuing for the LRT; (5) *The Square*, functions as an urban neighborhood plaza and an entry plaza for the Interchange. The space is framed by core and shell spaces designed to accommodate commercial uses including retail sales and services and potentially a restaurant. Bollards would separate vehicles from people in this area, but would have the potential to be removed for special events in order to allow vehicle entry; (6) *The Overlook*, serves as both a screen to the HERC and lower level parking area, as well as an interactive landscape for visitors.

It is important to note that the details of the publicly accessible open space area have not been finalized and are preliminary at this juncture. As the project evolves the spaces may be modified as needed. In addition, City Staff will continue to be involved as consulting party in the detailed discussions regarding exterior materials and streetscape issues including but not limited to street trees and paving treatments on site in coordination with the State Historic Preservation Office (SHPO).

Staff has not received official correspondence from the North Loop Neighborhood Association or any neighborhood letters prior to the printing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

REZONING – from the I3 district to the B4N district

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as public and institutional. Properties to the west of the subject site are designated as industrial and the majority of the properties to the north and east are designated for mixed-use development. Properties to the south of the site that include Target Field and Target Center are also designated as public and institutional. Public and institutional uses are defined as spaces that accommodate “public and semi-public uses, including museums, hospitals, civic uses, stadiums, airport related uses and college and university campuses”. Further, the property is located within a designated Transit Station Area (Target Field), which is defined as the area within a ½ mile radius of a fixed-route transit station, including light rail, commuter rail, or busway. The property is also located adjacent to the designated Downtown Growth Center. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable

implementation step: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.3 states: “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation steps: (1.3.1) “Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings”; and (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.13 states: “Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.” This policy includes the following applicable implementation steps: (1.13.4) “Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station”; (1.13.6) “Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.”

Transportation Policy 2.1 states: “Encourage growth and reinvestment by sustaining the development of a multi-modal transportation system.” This policy includes the following applicable implementation step: (2.1.1) “Continue addressing the needs of all modes of transportation, emphasizing the development of a more effective transit network.”

Transportation Policy 2.2 states: “Support successful streets and communities by balancing the needs of all modes of transportation with land use policy.”

Transportation Policy 2.3 states: “Encourage walking throughout the city by ensuring that routes are safe, comfortable, pleasant, and accessible.”

Transportation Policy 2.4 states: “Make transit a more attractive option for both new and existing riders.” This policy includes the following applicable implementation step: (2.4.1) “Collaborate with regional partners to prioritize transit service and capital improvements along a network of corridors where standards for speed, frequency, reliability, and quality of passenger facilities are maintained.”

Transportation Policy 2.8 states: “Balance the demand for parking with objectives for improving the environment for transit, walking and bicycling, while supporting the city’s business community.”

Transportation Policy 2.10 states: “Support the development of a multi-modal Downtown transportation system that encourages an increasingly dense and vibrant regional center.” This policy includes the following applicable implementation steps: (2.10.4) “Improve the pedestrian environment Downtown to ensure it is a safe, enjoyable, and accessible place to walk. Encourage strategies such as wider sidewalks for pedestrian movement, trees, landscaping, street furniture, improved transit facilities, additional bicycle facilities, and on-street parking and other curbside uses”; (2.10.8) “Manage the growth of the parking supply consistent with objectives for transit, walking and bicycling.”

Transportation Policy 10.14 states: “Encourage development that provides functional and attractive gathering spaces.”

Urban Design Policy 10.9 states: “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.” This policy includes the following applicable implementation steps: (10.9.3) “Provide safe, accessible, convenient, and lighted access and way finding to transit stops and transit stations along the Primary Transit Network bus and rail corridors”; (10.9.4) “Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.”

Urban Design Policy 10.15 states: “Wherever possible, restore and maintain the traditional street and sidewalk grid as part of new developments.”

Urban Design Policy 10.16 states: “Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.” This policy includes the following applicable implementation steps: (10.16.2) “Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements”; (10.16.4) “Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.”

Urban Design Policy 10.17 states: “Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.” This policy includes the following applicable implementation steps: (10.17.3) “Encourage pedestrian scale lighting throughout neighborhoods as well as in areas such as waterfronts, pathways, parks and plazas, and designated historic Districts”; (10.17.6) “Provide sufficient lighting for better way-finding and safe circulation within and around a development”; (10.17.7) “Encourage additional pedestrian-scale, exterior lighting in growth centers, activity centers, commercial nodes, pedestrian overlay districts and transit station areas.”

Urban Design Policy 10.18 states: “Reduce the visual impact of automobile parking facilities.” This policy includes the following applicable implementation steps: (10.18.3) “Locate parking lots to the rear or interior of the site”; (10.18.5) “Design parking structures so sloping floors do not dominate the appearance of the walls.”

Urban Design Policy 10.19 states: “Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.”

Urban Design Policy 10.22 states: “Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.”

Planning Staff believes that the proposal to rezone the subject property from the I3district to the B4N district in order to construct a new multi-modal transportation hub on the property is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

There are two additional small area plans that must be reviewed in conjunction with the proposal. The *Downtown East/North Loop Master Plan* was adopted by the City Council in 2003. The subject site is located within the designated boundaries of this plan as is defined as Development Precinct 12: Municipal

Service, in the North Loop. The plan states: “Given the investment made to locate major institutional uses in this precinct (The Hennepin Energy Resource Center and the Metro Transit facility) major redevelopment in this precinct is not likely or recommended. However, in keeping with the proposal put forth in the Hennepin County Station Area Plan, the berm along North 5th Street and Sixth Avenue North could be redeveloped with a band of medium-density, mixed use development that houses commercial or government offices and, perhaps, low-impact light industrial development. Wrapping the site with active uses would help to create a buffer between the Energy Resource Center and the developing neighborhoods to the north and east.”

The *North Loop Small Area Plan*, adopted by the City Council in April of 2010, is a policy document created to guide land use and development in the North Loop neighborhood for the next 20 years. It is officially an update to the *Downtown East/North Loop Master Plan* and builds upon the policy direction of *The Minneapolis Plan for Sustainable Growth*. The purpose of the North Loop Small Area Plan is to capture the remainder of the North Loop neighborhood that has not been the beneficiary of small area planning in the past. The Development Intensity Map in the plan indicates that the Interchange site is located in District B. District B is defined as being appropriate for building types including housing, commercial, and industrial structures of two to ten stories. This type of development is generally consistent with the bulk and height of historic warehouse structures in the neighborhood. Some of the applicable neighborhood policies identified in the plan include: a preference for mid- to high-density mixed-use developments that combine residential, commercial, and retail (where appropriate) uses; land uses organized to encourage and support public transit, cycling, and walking as viable alternatives to the private automobile; preference for structured parking built below, or embedded within, development projects; promotion of pedestrian-friendly streetscapes, street-facing retail in identified locations, transit nodes, and neighborhood services. Additional applicable policies include: new development should be geared toward the removal of surface parking lots and other under-developed sites; service-oriented retail uses continue to be appropriate in areas of the neighborhood off the designated Commercial Corridors; promote vertical mixed-use “complete communities”; capitalize on rail transit and encourage a less auto-dependent Downtown; encourage the design and delivery of high quality public spaces and streetscapes.

There are also two older adopted small area plans for this portion of the North Loop. One is the Downtown 2010 Plan adopted in 1995 by the City Council and the other is the Northside Jobs Park Design Guidelines adopted in 1997 by the City Council. Neither plan has current applicability to the proposed development.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the B4N district would be considered in the public interest as the rezoning would bring the site into compliance with adopted policies. The B4N district provides an environment that promotes the development of higher density neighborhoods surrounding the downtown office core with a variety of goods and services to support downtown living whereas the I3 district provides location for high impact and outdoor general industrial uses and other specific uses which are likely to have a substantial adverse effect on the environment or on surrounding properties and requires special measures and careful site selection to ensure compatibility with the surrounding area. A rezoning in this circumstance would allow desired uses to be incorporated into the development supporting both the overall surrounding neighborhood and the multi-modal transportation hub. The rezoning brings the zoning of the property

into compliance with adopted City policies as well, providing a transition area between the industrial properties to the west and the new development located primarily to the south and east of the site.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The subject site is located within an area that has predominantly industrial and downtown district zoning classifications. Generally, properties located to the west of the site are zoned I2 (Medium Industrial) district and properties to the north, south and east of the site are zoned B4N (Downtown Neighborhood) District, B4S-1 (Downtown Service) District, B4S-2, B4C-1 (Downtown Commercial) District, and B4C-2. The uses within the area are varied and include assorted industrial, commercial, office and residential uses. Target Field is located due south of the subject property. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff believes that rezoning the subject site to B4N would be appropriate and compatible in this location.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

In general, there are reasonable industrial types of uses allowed under the I3 zoning classification; however, in order to integrate desired and appropriate uses into the project, a rezoning is necessary as food and beverages uses, as well as retail sales and services uses are proposed as part of the initial construction phase. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classifications for the property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property and the surrounding area were entirely industrially zoned. The subject property was zoned M2-4 and surrounding properties to the north, south, east and west of the site were zoned M1-4, M2-3 and M2-4, all types of manufacturing/industrial districts. There has been a significant change in the character and trend of development within the general area of the property. Many industrial buildings have been converted to commercial, office and residential uses. New construction, including Target Field has been an impetus for many of the recent changes. Due to the proximity of the site to other downtown zoning districts as well as the mix of uses within the general area, Staff believes that the rezoning request is reasonable, appropriate and consistent with adopted policy.

CONDITIONAL USE PERMIT: for a principal parking facility

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that approving a conditional use permit to allow a 300-space parking ramp on the premises would be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed ramp is a component of the overall project and requires a conditional use permit as it would provide public parking and is not technically accessory to the other uses proposed on site. Further, the parking ramp as proposed would not have any visibility from the public streets as it would be completely concealed by the open space areas as well as the ground level core and shell spaces proposed on site.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that approving a conditional use permit to allow a 300 space principal parking ramp on the premises would be injurious to the use and enjoyment of other property in the vicinity nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The parking ramp would be accessed off of two curb cuts, one off of 5th Street North and the other off of 6th Avenue North.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant would continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant is proposing to construct a 300-space parking ramp on the premises. Further the site as a multi-modal transportation hub would provide accommodations for pedestrians, cyclists, buses, as well as commuter and passenger rail customers.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified apply to the CUP for a principal parking facility as well.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permit, site plan review and RLS, this development would meet the applicable regulations of the B4N (Downtown Neighborhood) District and the DP (Downtown Parking) Overlay District.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code **BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
- b. Windows shall be distributed in a more or less even manner.
- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **Ground floor active functions:** Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

For the purposes of this section of site plan review, the project should be evaluated based on three separate components of the project: (1) The new HERC office building, which includes 32 parking spaces within the lower level of the building and the associated 25 surface parking spaces (which is a reduction of the existing parking in the DP overlay district from 66 to 25 spaces); (2) the 300-space principal parking facility and; (3) the new core and shell retail components located along 5th Street North. According to state law, the improvements directly associated or related to the public transit project are exempt from City review (other than for limited design review). The development is not subject to any yard requirements as no residential/hotel uses are proposed on site. However, while portions of the core and shell retail spaces located along 5th Street North are located within 8 feet of the property line, some portions are recessed. Further the new HERC office building is located interior to the site with no frontage on a public street. In both circumstances, alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in these specific circumstances as the placement of the retail spaces meet the intent of the provision, further, the police transit and bike bar components are integrated into the elevated LRT track foundation located above. The HERC office building located interior to the site abuts the HERC facility, and given the industrial nature of the use and the need for the offices to be integrated to the larger facility, the location is appropriate given the redevelopment of the site.

There are multiple entrances proposed to the retail spaces; there are some that face the public street and others that face the interior of the site. The new HERC office building located interior to the site includes

a principal entrance that faces the interior surface parking lot. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision for the retail spaces. Planning Staff would further recommend that the Planning Commission grant alternative compliance for the new HERC office building as it would not be practical to require compliance due to the location of the building and the uniqueness of the development proposed on site. Planning Staff would however, recommend that the applicant incorporate a more prominent entrance to the HERC office building on the west elevation off of the surface parking lot. The design of the site maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along both street frontages. The area between the buildings and the public streets would have new tree plantings.

There are two separate retail buildings along 5th Street North that are subject to a 30% window requirement. For both the east and west buildings, each has a 30% window requirement on all sides of the building. While the final designs of the buildings have not been finalized it is likely that not all elevations would incorporate the required window openings. Alternative compliance would be necessary. Planning Staff would allow an overall reduction to 20% on two of the non-street facing elevations on each of the building. The windows must be evenly distributed and vertical in proportion.

The HERC office building would be subject to a 30% window requirement due to the fact that the only exposed building wall of the structure faces an on-site parking lot. The ground level of the building in this location consists of parking, not active uses. No ground level windows are proposed in this location, alternative compliance is necessary. Planning Staff would recommend that the applicant incorporate a more prominent principal entrance on this elevation as well as incorporate 15% window openings into the ground level parking garage. The proposed building would meet the 10% window requirement on each floor above the first floor that faces the on-site parking lot.

Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses along all public street frontages.

There do not appear to be blank, uninterrupted walls greater than 25 feet in length for either the proposed retail spaces or the proposed HERC office building. Planning Staff would require as a condition of approval that the final design of the buildings comply with this provision.

The retail component of the development complies with the active functions provision as noted above; however, the ground level of the HERC office building is not active as the entire level consists of parking. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the building is located interior to the site and is not visible from a public street.

The exterior materials as proposed would be compatible on all sides of the proposed buildings. Final exterior treatments would be coordinated with SHPO and the City as a consulting party. At this time, the exterior would be composed of stone, metal, and glass storefront systems. The proposed building form and flat roofs would be considered compatible with other buildings in the area.

Two enclosed parking areas would be provided on-site. A two-level principal parking garage would accommodate approximately 300 parking stalls and would be accessed off of 5th Avenue North and 6th Avenue North. The parking garage would be concealed and not visually exposed in the areas facing the public streets. The lower level of the HERC office building would accommodate parking for 32 vehicles. This parking area would be accessed off of 6th Avenue North. Further, the surface parking currently

located on-site would be reduced from 66 surface stalls to 25 surface stalls and would also be accessed off of 6th Avenue North.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The principal entrances to the retail spaces located along 5th Street North would either be directly linked to the sidewalk or connected via walkways at least 4 feet in width. The entrance to the HERC office building is located interior to the site and is not connected to the public sidewalk via walkways at least 4 feet in width. Alternative compliance is necessary. Planning Staff would recommend that in this specific circumstance, that alternative compliance be granted as providing walkway connections across the site to 6th Avenue North would not be practical given the context of this specific site.

The development partially consists of an integrated LRT transit stop and further includes accommodations for a bus parking/drop off area off of 6th Avenue North.

The proposed development has been designed to minimize conflicts with pedestrian traffic. Currently there are no surrounding residential uses although a recent residential development was approved across 5th Street North. The number of curb cuts to the site has been minimized as only two curb cuts would be provided.

There is no public alley adjacent to the site.

Currently, much of the site is impervious. As proposed, the applicant would be incorporating grass, trees and other plantings on the premises within the outdoor open space areas and within the streetscape along both 5th Street North and 6th Avenue North. In total, the applicant proposes to include 52,790 square feet of landscaping on the Interchange site. The HERC property would include an additional 6,150 square feet of landscaping.

LANDSCAPING AND SCREENING

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**

- A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Any building with 50,000 square feet or more of gross floor area located in the Downtown districts is exempt from the general landscaping and screening requirements; however, the parking and loading landscaping and screening requirements apply. The surface parking lot serving the HERC facility will need to be landscaped and screened in compliance with Section 530.170 of the Zoning Code. A final landscape plan would need to be reviewed and approved prior to building permit issuance for the site.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Two enclosed parking areas would be provided on-site. A two-level principal parking garage would accommodate approximately 300 parking stalls and would be accessed off of 5th Avenue North and 6th Avenue North. The parking garage would be completely concealed and not visually exposed in the areas facing the public streets. The lower level of the HERC office building would accommodate parking for 32 vehicles. This parking area would be accessed off of 6th Avenue North. Further, the surface parking currently located on-site would be reduced from 66 surface stalls to 25 surface stalls and would also be

accessed off of 6th Avenue North. The water drainage on site has been designed so as to not drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration.

Staff would not expect the proposal to have significant impacts on views nor would it result in significant shadowing impacts on adjacent properties or on public spaces. The proposed structure would also not be expected to have significant impacts on light, wind and air in relation to the surrounding area.

The site appears to incorporate applicable CPTED principles. The active uses proposed within the buildings provide natural surveillance, there are windows within the buildings that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. Planning Staff has no additional comments or concerns at this time regarding site safety. A detailed lighting plan would be required with the final plan submission.

There are no historic structures or structures eligible for designation on the subject site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE -

With the approval of the rezoning, conditional use permit, site plan review application, and RLS this development would meet the requirements of the B4N (Downtown Neighborhood) District and the DP (Downtown Parking) Overlay District standards.

Parking and Loading:

Minimum automobile parking requirement: In the Downtown Districts, Chapter 541, Off-Street Parking and Loading does not have a minimum off-street parking requirement for office or commercial uses. There are no dedicated parking spaces for the retail component of the development. A total of 300 off-street parking spaces would be provided in a principal public parking ramp on the premises. The remainder of the parking spaces on site, 32 within the lower level of the HERC office building and 25 surface stalls would serve the HERC facility.

Maximum automobile parking requirement: The maximum automobile parking requirement for retail sales and services uses in the B4N district is 1 space per 500 square feet of gross floor area. There is no parking proposed for the retail component. The maximum automobile parking requirement for the office component of the project is 1 space per 1,000 square feet of gross floor area. The proposal incorporates a total of 57 accessory off-street parking spaces for the HERC office building and the HERC facility. The office building as proposed totals 30,400 square feet, resulting in a maximum of 30 spaces. However, as previously noted, the parking is also accessory to the HERC facility located on the abutting industrial site which has a maximum parking requirement as approved by CUP. The proposal brings the property closer to compliance with the maximum parking requirement as a net reduction in 9 spaces would transpire as a result of the redevelopment of the site. Therefore, no variance is needed. The public parking facility proposed on site totals 300 spaces.

Bicycle parking requirement: In the Downtown Districts, when the gross floor area is less than 500,000 square feet of new or additional gross floor area, 1 secure bicycle parking space shall be provided for every 20 automobile parking spaces provided, but in no case shall fewer than 4 or more than 30 bicycle parking spaces be required. Therefore based on the number of parking spaces provided on-site, 30

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bicycle parking spaces would be required of which not less than 50 percent of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

The applicant is proposing to locate 50 bicycle parking spaces on the premises which exceeds the requirement.

Loading: There is no loading requirement for the development.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Trash and recycling rooms would be located within each individual building proposed on site.

Signs: No signs are proposed at this time. Any future signage on site would be required to meet the requirements as outlined in Chapter 543 of the Zoning Code. A separate permit would need to be attained through the Zoning Office for all signage installed on the premises.

Lighting: A detailed lighting plan identifying all exterior lighting and fixture types shall be submitted for review and approval. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535 of the Zoning Code.

Minimum Floor Area: The minimum floor area in the B4N district is 2.0. The gross floor area of the buildings including the principal parking facility is 163,710 square feet and the area of the lot is 252,663 square feet. The outcome is .64 which is less than the minimum of 2.0 that is permitted in the B4N District. However, the pad site at the intersection of 5th Street North and 6th Avenue North is slated for future development and would be anticipated at that time to bring the property into compliance with the minimum FAR. If not, a variance would be needed.

Maximum Floor Area: There is no maximum floor area in the B4N district.

Minimum Lot Area and Lot Width: There are no minimum lot area or lot width requirements for retail sales and services uses, food and beverages uses or office uses in the downtown districts. Parking facilities however require a minimum lot area of at least 5,000 square feet of lot area and a lot width greater than 40 feet. The parcel complies with the minimum lot area and lot width requirements.

Dwelling Units per Acre: Not applicable for this development.

Height: The maximum height of buildings in the B4N district is 10 stories or 140 feet in height, whichever is less. The tallest proposed building on site would be 2 floors or 53 feet tall which meets the requirement.

Yard Requirements: Not applicable for this development as there are no residential/hotel uses proposed as part of the project.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN:

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified apply to the site plan review application as well.

Conformance with Applicable Development Plans or Objectives Adopted by the City Council

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified the *North Loop Small Area Plan* apply to the site plan review application as well.

ALTERNATIVE COMPLIANCE:

- The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:
- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

□ Building located within 8 feet of the lot line: While portions of the core and shell retail spaces located along 5th Street North are located within 8 feet of the property line, not all spaces are. Further the new HERC office building is located interior to the site with no frontage on a public street. In both circumstances, alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in these specific circumstances as the placement of the retail spaces meet the intent of the provision, further, the police transit and bike bar components are integrated into the elevated LRT track foundation located above. The HERC office building located interior to the site abuts the HERC facility, and given the industrial nature of the use and the need for the offices to be integrated to the larger facility, the location is appropriate given the redevelopment of the site.

□ Principal entrances: There are multiple entrances proposed to the retail spaces; there are some that face the public street and others that face the interior of the site. The new HERC office building located interior to the site includes a principal entrance that faces the interior surface parking lot. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision for the retail spaces. Planning Staff would further recommend that the Planning Commission grant alternative compliance for the new HERC office building as it would not be

practical to require compliance due to the location of the building and the uniqueness of the development proposed on site. Planning Staff would however, recommend that the applicant incorporate a more prominent entrance to the HERC office building.

□ Window requirements: There are two separate retail buildings along 5th Street North that are subject to a 30% window requirement. For both the east and west buildings, each has a 30% window requirement on all sides of the building. While the final designs of the buildings have not been finalized it is likely that not all elevations would incorporate the required window openings. Alternative compliance would be necessary. Planning Staff would allow an overall reduction to 20% on two of the non-street facing elevations on each of the building. The windows must be evenly distributed and vertical in proportion.

The HERC office building would be subject to a 30% window requirement due to the fact that the only exposed building wall of the structure faces an on-site parking lot. The ground level of the building in this location consists of parking, not active uses. No ground level windows are proposed in this location, alternative compliance is necessary. Planning Staff would recommend that the applicant incorporate a more prominent principal entrance on this elevation as well as incorporate 15% window openings into the ground level parking garage. The proposed building would meet the 10% window requirement on each floor above the first floor that faces the on-site parking lot.

□ Active functions provision: The retail component of the development complies with the active functions provision as noted above; however, the ground level of the HERC office building is not active as the entire level consists of parking. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the building is located interior to the site and is not visible from a public street.

□ Principal entrances connected via walkways: The principal entrances to the retail spaces located along 5th Street North would either be directly linked to the sidewalk or connected via walkways at least 4 feet in width. The entrance to the HERC office building is located interior to the site and is not connected to the public sidewalk via walkways at least 4 feet in width. Alternative compliance is necessary. Planning Staff would recommend that in this specific circumstance, that alternative compliance be granted as providing walkway connections across the site to 6th Avenue North would not be practical given the context of this specific site.

REGISTERED LAND SURVEY (RLS) –Required Findings:

1. The subdivision is in conformance with the land subdivision regulations including the requirements applicable regulations of the zoning ordinance, and policies of the comprehensive plan.

Tracts on the ground level are subject to the same requirements as platted lots. The RLS is in conformance with the subdivision regulations, zoning code, and comprehensive plan.

2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The purpose of the RLS is to subdivide the parcel through the creation of tracts. This would have no impact on surrounding properties.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

The site does not pose the above hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

Site and construction plans must be approved by the City. The above noted items would be addressed with the approval of the final site plan and building construction plans. A cross-access easement would be required in order to ensure access to the HERC office building as a result of where the tract lines are established on the RLS.

5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.

The applicable erosion and stormwater management plans would be approved with the final site plan and building permits for the project. The subdivision of the parcel through the creation of tracts would not affect erosion or stormwater management.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 417 5th Street North (528 7th Street North) from the I3 (General Industrial) District to the B4N (Downtown Neighborhood) District. The DP (Downtown Parking) Overlay District will be maintained.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a principal parking facility containing approximately 300 parking spaces on the property located at 417 5th Street North (528 7th Street North) subject to the following condition of approval:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a

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conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application to allow for the construction of components within a new multi-modal transportation hub. The principal elements of the project include: a large outdoor multi-level publicly accessible open space area with an amphitheater, a new office building for the Hennepin Energy Recovery Center facility, an approximately 300 space principal parking facility, new core/shell spaces for future retail/restaurant uses, public restrooms, a transit police office and bike bar, all adjacent to a new elevated Light Rail Transit (LRT) line with a platform on the property located at 417 5th Street North (528 7th Street North) subject to the following conditions of approval:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by August 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Principal entrances to each of the retail spaces shall face the public street.
4. The entrance to the HERC office building off of the on-site surface parking lot on the west elevation of the building shall incorporate a more prominent entrance.
5. The retail/restaurant core and shell spaces in both the east and west buildings shall meet the 30% window requirement for two of the elevations of the building facing the public street and shall meet the 20% requirement on two of the non-street facing elevations.
6. The west elevation of the ground level of the HERC office building shall incorporate 15% window openings into the ground level parking garage.
7. Incorporation of windows, entries, recesses, projections or other architectural elements into the building walls of the proposed retail spaces and proposed HERC office building to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the Zoning Code.
8. The exterior materials on all proposed buildings shall be compatible on all sides.
9. Planning Staff shall review a final landscape plan for the outdoor open space incorporated as part of the proposal.
10. The surface parking lot serving the HERC facility shall be landscaped and screened in compliance with Section 530.170 of the Zoning Code. A final landscape plan would need to be reviewed and approved prior to building permit issuance for the site.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Registered Land Survey:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the preliminary and final Registered Land Survey (RLS) application for properties located at 417 5th Street North (528 7th Street North) subject to the following condition of approval:

1. A cross-access easement shall be required in order to ensure access to the HERC office building.

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Attachments:

1. Statement of use and description of the project
2. Findings for the CUP
3. General correspondence
4. Zoning map
5. Plans - site, landscape, floor, elevations, color elevations, civils, renderings
6. Shadow Studies
7. Context and photos
8. PDR notes